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TAGS: [KTIP](#) [KCRM](#) [PHUM](#) [KWMN](#) [SMIG](#) [KFRD](#) [ASEC](#) [PREF](#) [ELAB](#) [FM](#)
SUBJECT: ANNUAL TRAFFICKING IN PERSONS (TIP) REPORT FOR THE FEDERATED
STATES OF MICRONESIA

REF: 08 STATE 132759

Post submits the following information for the 2009 Trafficking
in Persons (TIP) Report. All answers are keyed to reftel.

THE COUNTRY'S TIP SITUATION

23.A. What is (are) the source(s) of available information on
trafficking in persons?
Department of Justice officials and members of local law
enforcement provide the best sources for available information.
They maintain a close working relationship with FBI offices in
Guam and Hawaii, as well as with the Australian Federal Police.

What plans are in place (if any) to undertake further
documentation of human trafficking?
The answer to this question will be provided septel.

How reliable are these sources?
Local sources are very reliable, if not wholly effective. The
Embassy maintains a good working relationship with local
officials.

23.B. Is the country a country of origin, transit, and/or
destination for internationally trafficked men, women, or
children?
Law enforcement officials in Guam uncovered one case of Chuukese
women allegedly trafficked to work in brothels in Guam, the
first reported case of trafficking involving Micronesian
victims. Whether the country will develop into a "country of
origin" after this one case remains to be seen. However, the
FSM's remote location and its small population make it an
unlikely destination, source, or transit country for a
significant number of cases involving sex trafficking.
Moreover, U.S. law gives Micronesian citizens the right to live
and work in the United States, making the country an unlikely
source of labor trafficking. Neither is the FSM a major
destination country for labor traffickers. Its small economy,
coupled with stringent foreign investment rules, ensures a very
small market for imported foreign labor.

Does trafficking occur within the country's borders?
No.

If so, does internal trafficking occur in territory outside of
the government's control (e.g. in a civil war situation)?
N/A

To where are people trafficked?

In the FSM's only known case of trafficking, the victims went to Guam.

For what purposes are they trafficked?

In the FSM's only known case of trafficking, the purpose was sexual exploitation.

Provide, where possible, numbers or estimates for each group of trafficking victims.

In the FSM's only known case of trafficking, ten women from the Micronesian state of Chuuk were involved.

Have there been any changes in the TIP situation since the last TIP Report (e.g. changes in destinations)?

Post last submitted a TIP Report in 2004. At that time, Post reported that Thai and Chinese nationals had allegedly been recruited to work in local hotels under fraudulent circumstances. No prosecutions resulted from those incidents, and post reported that "[t]hese cases did not involve severe forms of trafficking and exploitation." Rumors persist that some foreign nationals continue to work illegally in the country. Additional information in response to this question will be provided septel.

23C. What kind of conditions are the victims trafficked into?

In the FSM's only known case of trafficking, over the course of four years young women in the FSM state of Chuuk were recruited to work as waitresses or store clerks in Guam. After purchasing their airline tickets, the recruiter, allegedly an FSM citizen living in Chuuk, brought each woman to Guam. According to the indictment obtained by the US Attorney in July 2008, the defendants met each woman at the airport and took them

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to a brothel. The brothel owners allegedly used "fraud" and "coercion" to force the women to work as prostitutes. The brothel owners allegedly confiscated the women's passports and physically harmed the victims to keep them compliant. The FSM has not brought its own charges against the brothel owners. Nor has it arrested the FSM-based recruiter. Law enforcement officials believe this person made similar recruitment efforts in Pohnpei State but was unsuccessful.

23.D. Vulnerability to TIP: Are certain groups of persons more at risk of being trafficked (e.g. women and children, boys versus girls, certain ethnic groups, refugees, IDPs, etc.)?

Based on the FSM's only known case trafficking, unemployed young women appear to be most at risk. Generalizations based on one case may not be accurate however.

23.E. Traffickers and Their Methods: Who are the traffickers/exploiters?

N/A

Are they independent business people?

N/A

Small or family-based crime groups?

N/A

Large international organized crime syndicates?

N/A

What methods are used to approach victims? For example, are they offered lucrative jobs, sold by their families, or approached by friends of friends?

In the FSM's only known case of trafficking, an individual approached young women in Chuuk and offered them jobs in Guam. The recruiter offered work opportunities and salaries that are unavailable in the FSM.

What methods are used to move the victims (e.g., are false documents being used?).

In the FSM's only known case of trafficking, false documents

were not used. FSM citizens may live and work in the U.S. without visas. The recruiter did pay the victims' airfare.

Are employment, travel, and tourism agencies or marriage brokers involved with or fronting for traffickers or crime groups to traffic individuals?

No.

SETTING THE SCENE FOR THE GOVERNMENT'S ANTI-TIP EFFORTS:

24.A. Does the government acknowledge that trafficking is a problem in the country? If not, why not?

No. With only one known incidence of human trafficking the government does not perceive it as a major problem.

24.B. Which government agencies are involved in anti-trafficking efforts and which agency, if any, has the lead? The FSM National Police has the lead in any trafficking case. Other agencies who might investigate trafficking cases include the Transnational Crime Unit, FSM Customs, FSM Immigration and the police forces of the four individual states (Yap, Chuuk, Pohnpei and Kosrae).

24.C. What are the limitations on the government's ability to address this problem in practice? For example, is funding for police or other institutions inadequate?

Government resources appear adequate to cover the issue, given the apparent low level of trafficking activity. Eighty-six national police officers serve a country of 108,000 residents. Local state police forces augment the country's capacity to fight trafficking.

Is overall corruption a problem?

Corruption is a problem in the FSM, but there is no current evidence that it plays a role in trafficking activity.

Does the government lack the resources to aid victims?

No.

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24.D. To what extent does the government systematically monitor its anti-trafficking efforts (on all fronts -- prosecution, victim protection, and prevention) and periodically make available, publicly or privately and directly or through regional/international organizations, its assessments of these anti-trafficking efforts?

Immigration and National Police periodically discuss the issue on an informal basis. Currently, there are no formal mechanisms to monitor trafficking activity.

INVESTIGATION AND PROSECUTION OF TRAFFICKERS:

The FSM has not enacted any new anti-trafficking legislation since the last TIP Report in 2004.

25.A. Existing Laws against TIP: Does the country have a law or laws specifically prohibiting trafficking in persons -- both for sexual exploitation and labor?

No.

If so, please specifically cite the name of the law(s) and its date of enactment and provide the exact language [actual copies preferable] of the TIP provisions. Please provide a full inventory of trafficking laws, including non-criminal statutes that allow for civil penalties against alleged trafficking crimes (e.g., civil forfeiture laws and laws against illegal debt).

N/A

Does the law(s) cover both internal and transnational forms of trafficking?

N/A

If not, under what other laws can traffickers be prosecuted?

For example, are there laws against slavery or the exploitation of prostitution by means of force, fraud, or coercion? No such laws exist at the national level, but each of the four individual states has laws that could be used in a trafficking case. For example, the states have laws against false imprisonment, criminal coercion, kidnapping, and even the making of "threats."

Are these other laws being used in trafficking cases? Not yet. The FSM government has never prosecuted a case where trafficking was an issue.

25.B. Punishment of Sex Trafficking Offenses: What are the prescribed and imposed penalties for trafficking people for sexual exploitation?
N/A

25.C. Punishment of Labor Trafficking Offenses: What are the prescribed and imposed penalties for trafficking for labor exploitation, such as forced or bonded labor?
N/A. No such laws are on the books of the national government or the four states.

If your country is a source country for labor migrants, do the government's laws provide for criminal punishment -- i.e. jail time -- for labor recruiters who engage in recruitment of workers using knowingly fraudulent or deceptive offers with the purpose of subjecting workers to trafficking in the destination country?

N/A. FSM is not a source country for labor migrants. Micronesians can live and work in the U.S. without visas.

If your country is a destination for labor migrants, are there laws punishing employers or labor agents who confiscate workers' passports or travel documents for the purpose of trafficking, switch contracts without the worker's consent as a means to keep the worker in a state of service, or withhold payment of salaries as means of keeping the worker in a state of service?
N/A. FSM is not known to be a destination for labor migrants.

25.D. What are the prescribed penalties for rape or forcible sexual assault?
Rape is not against the law at the national level, and none of the four FSM states outlaw rape per se. However, all four states outlaw sexual assault and use a definition that includes rape as it commonly understood.

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Chuuk State imposes a penalty of up to 10 years imprisonment and a \$10,000 fine for sexual assault with a deadly weapon, five years and \$5,000 if the perpetrator is unarmed. Pohnpei State allows for a 10 year sentence and a \$10,000 fine if the victim suffers "serious bodily or psychological injury" and/or the perpetrator had accomplices and/or a deadly weapon was used. If those factors are not present the penalty is five years imprisonment and a \$5,000 fine. In Kosrae State, a defendant may receive a 10 year sentence and a \$20,000 fine upon conviction if the sexual assault resulted in "serious bodily or psychological injury," five years and a \$10,000 fine if no such injury occurs. Yap State requires "serious bodily or psychological injury" or the use of a "dangerous weapon" to impose its most severe penalty for sexual assault: ten years and a \$10,000 fine. When neither of those factors is present the state may impose five years imprisonment and a \$5,000 fine.

25.E. Law Enforcement Statistics: Did the government prosecute any cases against human trafficking offenders during the reporting period?
No.

If so, provide numbers of investigations, prosecutions, convictions, and sentences imposed, including details on plea bargains and fines, if relevant and available. In conjunction with the Guam police, local law enforcement officials investigated the incident involving the women

trafficked from Chuuk to Guam. All judicial actions have taken place in Guam so far, none in the FSM.

Please note the number of convicted traffickers who received suspended sentences and the number who received only a fine as punishment.

N/A

Please indicate which laws were used to investigate, prosecute, convict, and sentence traffickers.

N/A

Also, if possible, please disaggregate numbers of cases by type of TIP (labor vs. commercial sexual exploitation) and victims (children under 18 years of age vs. adults).

N/A

If in a labor source country, did the government criminally prosecute labor recruiters who recruit workers using knowingly fraudulent or deceptive offers or by imposing fees or commissions for the purpose of subjecting the worker to debt bondage?

N/A. FSM is not known to be a labor source country.

Did the government in a labor destination country criminally prosecute employers or labor agents who confiscate workers' passports/travel documents for the purpose of trafficking, switch contracts or terms of employment without the worker's consent to keep workers in a state of service, use physical or sexual abuse or the threat of such abuse to keep workers in a state of service, or withhold payment of salaries as a means to keep workers in a state of service?

N/A. FSM is not known to be a labor destination country.

What were the actual punishments imposed on persons convicted of these offenses?

N/A

Are the traffickers serving the time sentenced? If not, why not?

N/A

25.F. Does the government provide any specialized training for government officials in how to recognize, investigate, and prosecute instances of trafficking?

No. Immigration officials are open to training, however, and internal discussion and monitoring of the issue is taking place.

Specify whether NGOs, international organizations, and/or the USG provide specialized training for host government officials.

No.

25.G. Does the government cooperate with other governments in

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the investigation and prosecution of trafficking cases?

The FSM cooperated with the Guam police investigation of the incident in Chuuk. No other opportunities for cooperation have arisen.

If possible, provide the number of cooperative international investigations on trafficking during the reporting period.

One (the case in Guam).

25.H. Does the government extradite persons who are charged with trafficking in other countries?

In theory, yes, but the FSM has never extradited anyone based on trafficking charges. The country requires an extradition treaty with the requesting country before extradition proceedings can take place.

If so, please provide the number of traffickers extradited during the reporting period, and the number of trafficking extraditions pending. In particular, please report on any pending or concluded extraditions of trafficking offenders to the United States.

None. There are no pending or concluded extraditions of

trafficking offenders to the U.S. (or anywhere else).

25.I. Is there evidence of government involvement in or tolerance of trafficking, on a local or institutional level? If so, please explain in detail.
No.

25.J. If government officials are involved in trafficking, what steps has the government taken to end such participation?
N/A

Please indicate the number of government officials investigated and prosecuted for involvement in trafficking or trafficking-related corruption during the reporting period.
None.

Have any been convicted?
N/A

What sentence(s) was imposed?
N/A

Please specify if officials received suspended sentences, or were given a fine, fired, or reassigned to another position within the government as punishment.
N/A

Please indicate the number of convicted officials that received suspended sentences or received only a fine as punishment.
N/A

25.K. Is prostitution legalized or decriminalized? Specifically, are the activities of the prostitute criminalized? Prostitution has not been criminalized at the national level and is illegal in only two of the four states, Chuuk and Pohnpei. There are no laws against prostitution in Kosrae or Yap. However, the absence of such statutes does not mean either state condones the practice. Rather, the small size of those communities, coupled with the strict religious and societal mores of each, severely limits the practice of prostitution. As one Yap official put it, the original drafters of the criminal code "could not imagine that their sons or daughters would engage voluntarily in such acts."

Are the activities of the brothel owner/operator, clients, pimps, and enforcers criminalized?
None of the states have laws specifically directed at brothel owners or pimps.

Are these laws enforced?
N/A

If prostitution is legal and regulated, what is the legal minimum age for this activity? Note that in countries with federalist systems, prostitution laws may be under state or local jurisdiction and may differ among jurisdictions.
N/A. While not specifically outlawed in Kosrae and Yap, prostitution is not a legal, regulated activity.

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25.L. For countries that contribute troops to international peacekeeping efforts, please indicate whether the government vigorously investigated, prosecuted, convicted and sentenced nationals of the country deployed abroad as part of a peacekeeping or other similar mission who engaged in or facilitated severe forms of trafficking or who exploited victims of such trafficking.
N/A

25.M. If the country has an identified problem of child sex tourists coming to the country, what are the countries of origin for sex tourists?
N/A. Micronesia is not known to be a destination for child sex tourists.

How many foreign pedophiles did the government prosecute or deport/extradite to their country of origin?
None.

If your host country's nationals are perpetrators of child sex tourism, do the country's child sexual abuse laws have extraterritorial coverage (similar to the U.S. PROTECT Act) to allow the prosecution of suspected sex tourists for crimes committed abroad?

N/A. No Micronesian citizens are known to have been prosecuted for child sex tourism.

If so, how many of the country's nationals were prosecuted and/or convicted during the reporting period under the extraterritorial provision(s) for traveling to other countries to engage in child sex tourism?

N/A

PROTECTION AND ASSISTANCE TO VICTIMS:

26.A. What kind of protection is the government able under existing law to provide for victims and witnesses?

None. The FSM lacks specific laws protecting victims of trafficking or the witnesses in such cases. However, there are general material witness laws that give the government the right to detain witnesses for their own protection.

Does it provide these protections in practice?

N/A. The material witness provisions have not been used in conjunction with any trafficking case.

26.B. Does the country have victim care facilities (shelters or drop-in centers) which are accessible to trafficking victims?

No.

Do foreign victims have the same access to care as domestic trafficking victims?

N/A

Where are child victims placed (e.g., in shelters, foster care, or juvenile justice detention centers)?

N/A

Does the country have specialized care for adults in addition to children?

No. The FSM has no specific programs or facilities to care for trafficking victims.

Does the country have specialized care for male victims as well as female?

No.

Does the country have specialized facilities dedicated to helping victims of trafficking?

No.

Are these facilities operated by the government or by NGOs?

N/A

What is the funding source of these facilities?

N/A

Please estimate the amount the government spent (in U.S. dollar equivalent) on these specialized facilities dedicated to

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helping trafficking victims during the reporting period.

N/A

26.C. Does the government provide trafficking victims with access to legal, medical and psychological services?

No.

If so, please specify the kind of assistance provided.

N/A

Does the government provide funding or other forms of support to foreign or domestic NGOs and/or international organizations for providing these services to trafficking victims?

No.

Please explain and provide any funding amounts in U.S. dollar equivalent. If assistance provided was in-kind, please specify exact assistance. Please specify if funding for assistance comes from a federal budget or from regional or local governments.

N/A

26.D. Does the government assist foreign trafficking victims, for example, by providing temporary to permanent residency status, or other relief from deportation? If so, please explain.

No.

26.E. Does the government provide longer-term shelter or housing benefits to victims or other resources to aid the victims in rebuilding their lives?

No.

26.F. Does the government have a referral process to transfer victims detained, arrested or placed in protective custody by law enforcement authorities to institutions that provide short- or long-term care (either government or NGO-run)?

No.

26.G. What is the total number of trafficking victims identified during the reporting period?

The total number of victims identified in this rating period is ten.

Of these, how many victims were referred to care facilities for assistance by law enforcement authorities during the reporting period?

None.

By social services officials?

None.

What is the number of victims assisted by government-funded assistance programs and those not funded by the government during the reporting period?

In the FSM's only known case of trafficking, the FSM government offered no assistance to any of the victims. At the time of this report the victims are still in Guam. The government of Guam provided some social services after police raided the brothel. Guam is also providing room and board to the women as they wait to testify at the brothel owners' trial.

26.H. Do the government's law enforcement, immigration, and social services personnel have a formal system of proactively identifying victims of trafficking among high-risk persons with whom they come in contact (e.g., foreign persons arrested for prostitution or immigration violations)?

Nothing formal exists, only informal discussions among law enforcement officials.

For countries with legalized prostitution, does the government have a mechanism for screening for trafficking victims among persons involved in the legal/regulated commercial sex trade?

N/A

26.I. Are the rights of victims respected?

Unknown. There have been too few victims of trafficking identified to give a definitive answer. Due process procedures in the FSM criminal justice system are generally good, however.

Are trafficking victims detained or jailed? If so, for how

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long?

No identified trafficking victims have been jailed and there are no legal provisions in place to do so.

Are victims fined?

No identified trafficking victims have been fined and there are no legal provisions in place to do so.

Are victims prosecuted for violations of other laws, such as those governing immigration or prostitution?

No identified trafficking victims have been prosecuted under other laws.

26.J. Does the government encourage victims to assist in the investigation and prosecution of trafficking?

Unknown. There have been too few victims of trafficking identified to give a definitive answer.

How many victims assisted in the investigation and prosecution of traffickers during the reporting period?

In the FSM's only known trafficking case, the victims reportedly cooperated well with the Guam police. There was little contact between the FSM national police and the victims, however.

May victims file civil suits or seek legal action against traffickers?

While no specific civil remedy for trafficking victims is spelled out in the state and national codes, each state's code does provide general redress for personal injuries caused by another.

Does anyone impede victim access to such legal redress?

No.

If a victim is a material witness in a court case against a former employer, is the victim permitted to obtain other employment or to leave the country pending trial proceedings?

Unknown. This situation has never arisen and the statutes are silent on the issue.

Are there means by which a victim may obtain restitution?

The victim may bring an act of personal injury in a civil court.

26.K. Does the government provide any specialized training for government officials in identifying trafficking victims and in the provision of assistance to trafficked victims, including the special needs of trafficked children?

While some training apparently took place back in 2004, no such training programs are currently in place.

Does the government provide training on protections and assistance to its embassies and consulates in foreign countries that are destination or transit countries?

No.

What is the number of trafficking victims assisted by the host country's embassies or consulates abroad during the reporting period? Please explain the type of assistance provided (travel documents, referrals to assistance, payment for transportation home).

None.

26.L. Does the government provide assistance, such as medical aid, shelter, or financial help, to its nationals who are repatriated as victims of trafficking?

No.

26.M. Which international organizations or NGOs, if any, work with trafficking victims?

None.

What type of services do they provide?

N/A

What sort of cooperation do they receive from local authorities?

N/A

PREVENTION:

27.A. Did the government conduct anti-trafficking information or

education campaigns during the reporting period?

No.

If so, briefly describe the campaign(s), including their objectives and effectiveness.

N/A

Please provide the number of people reached by such awareness efforts, if available.

N/A

Do these campaigns target potential trafficking victims and/or the demand for trafficking (e.g. "clients" of prostitutes or beneficiaries of forced labor)?

N/A

27.B. Does the government monitor immigration and emigration patterns for evidence of trafficking?

Immigration authorities claim to look for evidence of trafficking, but there are no formal mechanisms in place.

27.C. Is there a mechanism for coordination and communication between various agencies, internal, international, and multilateral on trafficking-related matters, such as a multi-agency working group or a task force?

Domestically, there are no task forces or working groups dealing with the trafficking issue. The FSM national police has jurisdiction and could solicit intelligence from other agencies, such as Immigration or Customs, as needed.

The Transnational Crime Unit (TCU) would be a conduit for information coming from international sources. Headquartered in Pohnpei, the Unit is comprised of policemen from a number of different islands and has regular contract with the American FBI and the Australian National Police.

27.D. Does the government have a national plan of action to address trafficking in persons?

No. FSM government officials discussed such a plan before, but no national plan of action has been adopted.

If the plan was developed during the reporting period, which agencies were involved in developing it?

N/A

Were NGOs consulted in the process?

N/A

What steps has the government taken to implement the action plan?

N/A

27.E: What measures has the government taken during the reporting period to reduce the demand for commercial sex acts?

None.

27.F. Required of all Posts: What measures has the government taken during the reporting period to reduce the participation in international child sex tourism by nationals of the country?

None.

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DOUGLASS